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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,780	12/11/2003	Jonathan M. Liss	1065	8183

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GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC
55 SOUTH COMMERICAL STREET
MANCHESTER, NH 03101

EXAMINER

PANTOLIANO JR, RICHARD

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/733,780	Applicant(s) LISS ET AL.	
	Examiner Richard Pantoliano Jr	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37, 39, and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers


- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This office action is filed in response to amendments received on **20 September 2007** in regard to **Application# 10/733,780. Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40** are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31 and 32** are rejected under 35 U.S.C. 102(b) as being anticipated by Faigon et al (US Pat: 6,006,016), hereinafter Faigon.

4. As to **Claim 1**, Faigon discloses the invention substantially as claimed including a method of managing an event toggling between first and second event states in a network management system, said method comprising:

a) determining if said event maintains one of said first and second states for a predetermined amount of time (Col. 11, line 56 – Col 12, line 3) (An "event threshold" time period is maintained for generated traps); and

b) reporting said event as having one of said first and second states only after said one of said first and second states is maintained for said predetermined amount of

time (Col. 11, lines 18-30, line 56 – Col 12, line 3) (“Toggling rules” allow for reporting traps that have been set off by switching from one state to another, thereby meeting the claim limitation),

c) wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at the actual time of occurrence of a last state change of said event (Col. 11, lines 18-30; line 56 – Col 12, line 3; and Fig. 9, item 902) (The “time” field of the “raw trap record” reports the time the trap occurred, thereby meeting the claim limitation).

5. As to **Claim 2**, Faigon further teaches wherein said event is an alarm (Col. 11, lines 18-30, line 56 – Col 12, line 3) (The “trap” meets this claim limitation).

6. As to **Claim 3**, Faigon further teaches wherein said first state is an alarm set state, and said second state is an alarm clear state (Col. 11, lines 18-30, line 56 – Col 12, line 3) (The alarm state is whatever is not the norm for the device issuing the trap).

7. As to **Claim 5**, Faigon further teaches reporting a number of times said event toggled between said first and second states (Fig. 9, item 905) (The number of occurrences is recorded in the “trap record”, thereby meeting the claim limitation).

8. As to **Claim 7**, Faigon further teaches reporting said event as being in a toggling condition (Col. 11, lines 5-30).

9. As to **Claim 8**, Faigon further teaches reporting said event as not being in a toggling condition (Col. 11, lines 5-30).
10. As to **Claims 9-11, 13, 15 and 16; Claims 17-19, 21, 23 and 24; and Claims 25-27, 29, 31, and 32**, being directed to a method, machine readable medium, and system having substantially the same limitations as **Claims 1-3, 5, 7, and 8**, respectively, these claims are rejected for the same reasoning as applied to **Claims 1-3, 5, 7, and 8** above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 33- 35, 37, 39, and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigon in view of Scrandis et al (US Pat: 6,414,595), hereinafter Scrandis.

13. As to **Claim 33**, Faigon discloses the invention substantially as claimed including an optical communication system comprising:

a) a network management system coupled to the optical communication system for receiving said report of said event, said network management system comprising a machine-readable medium whose contents cause said network management system to perform a method comprising (Fig. 3, item 320) (The network management system "NMS" meets this claim limitation):

b) determining if said event maintains one of a first and a second state for a predetermined amount of time (Col. 11, line 56 – Col 12, line 3) (An "event threshold" time period is maintained for generated traps); and

c) reporting said event as having one of said first and second states after said one of said first and second states is maintained for said predetermined amount of time (Col. 11, lines 18-30, line 56 – Col 12, line 3) ("Toggling rules" allow for reporting traps that have been set off by switching from one state to another, thereby meeting the claim limitation),

d) wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at the actual time of occurrence of a last state change of said event (Col. 11, lines 18-30; line 56 – Col 12, line 3; and Fig. 9, item 902) (The "time" field of the "raw trap record" reports the time the trap occurred, thereby meeting the claim limitation).

14. Faigon does not explicitly teach wherein at least one transmitter for transmitting an optical signal to a receiver through an optical information channel, at least one of

said transmitter, said receiver and said optical information channel comprising at least one apparatus for reporting an event.

15. Scrandis explicitly teaches the above limitation (Col. 1, line 55 – Col. 2, line 63).

16. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Faigon with the teachings of Scrandis. One would have been motivated by the fact that both references focus on the use of Network Management Systems to manage alarms within a network. Further, Faigon's disclosure is disclosed to be used with any type of network system in which alarms/traps must be managed (Col. 2, lines 40-47), so it is implicit that Faigon's disclosure includes the use of optical networks as described by Scrandis.

17. As to **Claims 34, 35, 37, 39, and 40**, being directed to the same limitations as **Claims 2, 3, 5, 7 and 8**, respectively, these claims are rejected for the same reasoning as **Claims 2, 3, 5, 7 and 8** above.

Response to Arguments

18. Applicant's arguments with respect to **Claim 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40** have been considered but are moot in view of the new ground(s) of rejection.

19. Examiner has cited particular columns and line numbers and/or figures in the references as applied to the claims for the convenience of the applicant. Applicant is reminded that rejections are based on references as a whole and not just the cited

passages. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

Conclusion

20. The prior art made of record on the P.T.O. 892 that has not relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049 and whose direct fax number is (571) 270-2049. The examiner can normally be reached on Monday-Thursday, 8am - 4 pm EST. Please note that a request for an interview in regard to the present application should be accompanied by a written agenda (including proposed amendments, if available, and specific issues to be discussed) sent to the fax number cited above.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
1/3/2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER